

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHAWN M. BLANKENSHIP,

Plaintiff,

v.

Dr. MALCOLM *et al.*,

Defendants,

Case No. C07-5325RBL

REPORT AND
RECOMMENDATION

**NOTED FOR:
September 21, 2007**

This 42 U.S.C. § 1983 Civil Rights has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

This action was filed in May of 2007. (Dkt. # 1).

Plaintiff was granted *in forma pauperis* status. He was ordered to file service documents, copies of the complaint and Marshals service forms (Dkt. # 5). Plaintiff has filed five Marshal service forms, but no copies of the complaint.

Plaintiff was given until August 13, 2007, to cure the defects in his filings and he has not done so. On July 25, 2007, plaintiff requested a copy of the complaint 9Dkt. # 6). The clerk's office sent him a copy on July 26, 2007. On August 3, 2007, plaintiff sent the same request for a copy of the complaint (Dkt. # 7). The court recommends the action be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

REPORT AND RECOMMENDATION

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1 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
2 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
3 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
4 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
5 set the matter for consideration on **September 21, 2007**, as noted in the caption.

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7 DATED this 21 day of August, 2007.

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9 /S/ J. Kelley Arnold
10 J. Kelley Arnold
11 United States Magistrate Judge
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